

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

EARL ANDERSON,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. 4:11CV179 RWS
	)	
JEAN ANN JOHNSON,	)	
	)	
Respondent.	)	

**MEMORANDUM AND ORDER**

This matter is before me on petitioner's motion for leave to file an amended habeas petition and for an extension of time. On December 9, 2013, Judge Blanton issued a Report and Recommendation that petitioner's habeas petition be denied. However, petitioner signed a motion for leave to amend his habeas petition on December 4, 2013. However, Judge Blanton did not have the opportunity to consider this motion because it was not received by the Clerk's Office until December 13, 2013. Had the motion been received when it was filed, Judge Blanton would have decided whether to grant leave to amend and, if the motion were granted, would have also addressed the additional claims and/or arguments raised by petitioner in his Report and Recommendation. In light of this motion,

**IT IS HEREBY ORDERED** that **this case is re-referred to United States Magistrate Judge Lewis M. Blanton, pursuant to 28 U.S.C. § 636(b)(1)**, for ruling on petitioner's motion to amend [#15] and any other non-dispositive matters, and, if necessary, for reconsideration of the Report and Recommendation issued on December 9, 2013, in light of petitioner's motion for

leave to amend.

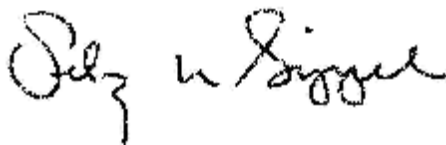
**IT IS FURTHER ORDERED** that petitioner's motion for an extension of time [#16] is granted, and petitioner need not file a response to the Report and Recommendation issued on December 9, 2013, until Judge Blanton decides whether to grant leave to amend and, if necessary, issues an amended or supplemental Report and Recommendation in light of his decision on his motion for leave to amend. If Judge Blanton denies leave to amend and reaffirms the Report and Recommendation issued on December 9, 2013, then petitioner shall have 45 days from the date of that Order to file any objections to the Report and Recommendation.

A handwritten signature in black ink, appearing to read "Rodney W. Sippel", written in a cursive style.

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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 23 day of December, 2013.

A handwritten signature in black ink, appearing to read "Rodney W. Sippel", written in a cursive style.